affect eligibility for or the amount of SSI payments of individuals. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 93.807, Supplemental Security Income)

List of Subjects in 20 CFR Part 416:

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income.

Dated: May 3, 1995.

Shirley S. Chater,

Commissioner of Social Security.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for subpart L of part 416 continues to read as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Authority: Secs. 1102, 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the of the Social Security Act; 42 U.S.C. 1302, 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383; sec. 211 of Pub. L. 93–66, 87 Stat. 154.

2. Section 416.1232 is amended by revising paragraph (b), by redesignating paragraph (c) as paragraph (d) and by adding a new paragraph (c), to read as follows:

§ 416.1232 Replacement of lost, damaged, or stolen excluded resources.

* * * * *

(b) The initial 9-month time period will be extended for a reasonable period up to an additional 9 months where we find the individual had good cause for not replacing or repairing the resource. An individual will be found to have good cause when circumstances beyond his or her control prevented the repair or replacement or the contracting for the repair or replacement of the resource. The 9-month extension can only be granted if the individual intends to use the cash or in-kind replacement items to repair or replace the lost, stolen, or damaged excluded resource in addition to having good cause for not having done so. If good cause is found for an individual, any unused cash (and interest) is counted as a resource beginning with the month after the good cause extension period expires. *Exception: For victims of Hurricane Andrew only*, the extension period for good cause may be extended for up to an additional 12 months beyond the 9-month extension when we find that the individual had good cause for not replacing or repairing an excluded resource within the 9-month extension.

(c) The time period described in paragraph (b) of this section (except the time period for individuals granted an additional extension under the Hurricane Andrew provision) may be extended for a reasonable period up to an additional 12 months in the case of a catastrophe which is declared to be a major disaster by the President of the United States if the excluded resource is geographically located within the disaster area as defined by the presidential order; the individual intends to repair or replace the excluded resource; and, the individual demonstrates good cause why he or she has not been able to repair or replace the excluded resource within the 18-month period.

* * * * *

[FR Doc. 95–12099 Filed 5–16–95; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Part 452

RIN 1294–AA09

Eligibility Requirements for Candidacy for Union Office

AGENCY: Office of Labor-Management Standards, Labor.

ACTION: Proposed rule.

SUMMARY: The Office of Labor-Management Standards proposes to amend its interpretative regulations on labor organization officer elections. The proposed amendment will add a reference to a ruling by the Court of Appeals for the District of Columbia Circuit regarding the reasonableness of meeting attendance requirements set by labor organizations for eligibility for union office. This amendment will inform the public of a court decision that guides the Office in its enforcement actions.

DATES: Interested parties may submitted comments on or before July 17, 1995.

ADDRESSES: Written comments should be submitted to Edmundo A. Gonzales, Deputy Assistant Secretary for Labor-Management Standards, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–2203, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5605, Washington, DC 20210, (202) 219–7373. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background and Overview

Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA) sets forth standards and requirements for the election of labor organization officers. Section 401(e) of title IV, 29 U.S.C. § 481(e), provides in part that every member in good standing has the right to be a candidate subject ''to reasonable qualifications uniformly imposed.''

In connection with the Department's enforcement responsibilities under LMRDA title IV, interpretative regulations have been promulgated, 29 CFR part 452, in order to provide the public with information as to the Secretary's ''construction of the law which will guide him in performing his [enforcement] duties.'' 29 CFR 452.1. Several provisions in the interpretative regulations discuss union-imposed qualifications on candidacy eligibility. One of these provisions, 29 CFR 452.38, deals specifically with meeting attendance requirements and lists several factors to consider in determining whether, under ''all the circumstances,'' a particular meeting attendance requirement is reasonable.

On June 15, 1994, OLMS published an advance notice of proposed rulemaking (ANPRM) requesting comments from the public on the possible need to modify the interpretative regulations on meeting attendance requirements in order to incorporate a ruling of the United States Court of Appeals for the District of Columbia Circuit in *Doyle* v. *Brock*, 821 F.2d 778 (D.C. Cir. 1987). In *Doyle*, the Secretary's decision not to bring enforcement action under LMRDA title IV was reviewed by the courts pursuant to *Dunlop* v. *Bachowski*, 421 U.S. 560 (1975). (In *Bachowski*, the Supreme Court held that judicial review of the Secretary's decision not to bring litigation in LMRDA title IV cases is available under the Administrative Procedure Act.) The Secretary had decided not to bring civil action on a member's complaint about his union's meeting attendance requirement, even though the requirement disqualified 97% of the members. The Secretary's position, after reviewing the factors set forth in 29 CFR 452.38, was that since

the requirement was not on its face unreasonable (i.e., it did not require a member to decide to become a candidate an excessively long period before the election) and it was not difficult to meet (i.e., the meetings were held at convenient times and locations and the union provided liberal excuse provisions), the large impact of the requirement was not by itself sufficient to render it unreasonable.

The district court held that the Secretary's decision not to bring litigation against the union was arbitrary and capricious, *Doyle* v. *Brock*, 641 F. Supp. 223 and 632 F. Supp. 256 (D.D.C. 1986). The court of appeals affirmed, rejecting the Secretary's position summarized above. The court emphasized the importance of the impact of the meeting attendance requirement in disqualifying 97% of the membership as a sufficient factor in determining the requirement to be unreasonable:

> There is *no* basis, in [the Supreme Court's decision in *Steelworkers, Local 3489* v. *Usery*, 429 U.S. 305 (1977)] or in any other case, for the notion that an attendance requirement that has a large antidemocratic effect can be reasonable on its face, and that some additional factor is necessary to find the requirement violative of the LMRDA.

821 F.2d 778, 785.

The ANPRM suggested three options for modifying the interpretative regulations. The first suggested option was to delete the current language in 29 CFR 452.38(a) and replace it with the statement that all meeting attendance requirements are per se unreasonable. The second suggested option was to retain the current language in 29 CFR 452.38(a) stating that the reasonableness of a meeting attendance requirement is determined by reviewing a number of factors on a case-by-case basis, but add language to the effect that there is an inverse relationship between the impact of the requirement and the probability that it will be considered reasonable. The third suggested option, a combination of the first two, was to retain the current case-by-case language of 29 CFR 452.38, but add a statement that once the impact reaches a certain point (such as 50%, 75% or 90%) the meeting attendance requirement will be considered to be unreasonable per se.

II. Comments on the ANPRM

OLMS received sixteen (16) comments pursuant to the ANPRM on the meeting attendance regulation. Fourteen (14) comments were received from the following labor organizations, which generally opposed restrictions on meeting attendance requirements:

—International Organization of Masters, Mates & Pilots
—Association of Western Pulp and Paperworkers
—United Cereal, Bakery and Food Workers, No. 374
—International Association of Fire Fighters
—Glass, Molders, Pottery, Plastics & Allied Workers International Union
—American Federation of Grain Millers
—International Guards Union of America
—Graphic Communications International Union
—Amalgamated Transit Union
—Oil, Chemical & Atomic Workers International Union
—Amalgamated Clothing and Textile Workers Union
—International Brotherhood of Painters & Allied Trades
—The American Federation of Labor and Congress of Industrial Organization (joined by the United Steelworkers of America and the International Association of Machinists and Aerospace Workers)
—International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers

The other two comments, which opposed meeting attendance requirements and supported the option of holding that they are *per se* unreasonable, were received from the following:

—The Association for Union Democracy
—Acuna, Casas & Araiza (a law firm)

The points that were most frequently made in the comments submitted by labor organizations are as follows.

—A substantial number of union constitutions continue to have meeting attendance requirements, either because the parent national or international union requires one or the parent allows subordinate locals to choose to impose one.
—Although a large majority of union members do not attend meetings, it is not possible to make generalizations on the portion of membership disqualified by meeting attendance requirements. One comment stated that determining who is ineligible because of a meeting attendance requirement in a particular case is difficult because of the availability of excuse provisions and the need to review meeting sign-in sheets and records of excuse requests.
—The primary purpose of meeting attendance requirements is to ensure that candidates are knowledgeable about the duties of the positions they seek and that they are committed to the union and serving its members; the labor organizations stated that they and their members feel very strongly that this is a valid purpose. Meeting attendance requirements have served this purpose well (but the labor organizations presented no facts to support this belief).
—It is not appropriate to judge the reasonableness of a candidacy qualification by the number of member who choose not to attempt to meet it. The reasonableness of a rule should be determined primarily by how difficult the qualification is to meet.
—*Doyle* is not persuasive and should not be followed in the other circuits.
—No court has held meeting attendance requirements to be per se unreasonable, and there is no legal basis for the Department to make them per se unreasonable.
—If any change is made to the regulations, that change should state that a meeting attendance requirement is presumptively reasonable as long as the requirement is flexible (e.g., liberal excuse provisions are available) and/or the union takes other action to encourage attendance (e.g., meetings held at different times, extensive notice of meetings, etc.).

In addition, one of the labor organization comments cited several Supreme Court and lower court decisions to support the proposition that although ''Congress' model of democratic elections was public elections in this country,'' *Wirtz v. Hotel, Motel and Club Employees Union, Local 6*, 391 U.S. 492 (1968), the *Doyle* court's standard for judging union candidacy qualifications was far more demanding than the standards which courts have used for judging state election rules (and therefore, presumably, the *Doyle* standard would not survive a challenge to the Supreme Court). The most recent of the Supreme Court cases, *Munro v. Socialist Workers Party*, 479 U.S. 189, 107 S. Ct. 533 (1986), involved a challenge to a Washington state law which required a minority party candidate to run in the state's open primary and receive at least 1% of all votes cast for that office in order to be a candidate in the general election. The Court upheld this candidacy restriction, even though such restrictions ''impinge'' upon the First and Fourteenth Amendment rights of candidates and voters, because those rights ''are not absolute and are necessarily subject to qualification if elections are to be run fairly and effectively.''*Id*., at 193.

The state interests generally cited to justify the impingement on

constitutional rights are ensuring that candidates have a ''modicum of support,'' *Id*., at 193, avoiding voter confusion, and eliminating frivolous candidates. The Court has held that states are not required to show that the restriction is actually needed to serve valid state interests. In *Munro,* the Court accepted the determination of the Court of Appeals (which has found the restriction unconstitutional) that, as a ''historical fact,'' there was no evidence of voter confusion from ballot overcrowding, but went on to state that

> [W]e have never required a State to make a particularized showing of the existence of voter confusion, ballot overcrowding, or the presence of frivolous candidates prior to the imposition of reasonable restrictions on ballot access * * *. *Id*., at 194–5.
>
> Legislatures, we think, should be permitted to respond to potential deficiencies in the electoral process with foresight rather than reactively * * * *Id*., at 195.

For the Court, it was sufficient that the restriction on candidacy in the general election was based on the state's ''perception'' of harmful developments requiring that restriction. *Id*., at 196.

The two commenters who opposed meeting attendance requirements stated generally that

—they disqualify too many members, discriminate in favor of incumbents, are difficult to administer, and serve no useful purpose,

—their alleged purpose, of ensuring knowledgeable and committed candidates, is undermined rather than supported by the availability of liberal excuse provisions,

—only a minority of unions have them, and

—members should make the decision in the election as to whether a person is qualified.

One of the comments which supported a per se ruling against meeting attendance requirements made a number of additional points. First, in support of the position that most meeting attendance requirements have been held to violate the LMRDA, this commenter stated that its review of court and administrative decisions on title IV cases disclosed only one court decision and a handful of administrative decisions which upheld the application of a meeting attendance requirement after *Steelworkers Local 3489.*

Second, this commenter argued that the Supreme Court's approval of the Department's case-by-case approach under 29 CFR 452.38 in *Steelworkers Local 3489* does not prohibit the Department ''from adopting a less flexible ban on all meeting attendance requirements.'' It stated that in other areas of law the courts ''have not hesitated to make the transition from a test based on all the circumstances to the adoption of per se rules.'' In particular, the commenter cited a Supreme Court decision involving anti-trust laws, *Northwest Stationers* v. *Pacific Stationery,* 472 U.S. 284 (1985), which rejected the ''rule of reason'' approach and held that certain business arrangements were per se illegal because experience has shown that they ''always or almost always'' tend to restrict competition. This commenter also cited a handbook of tort law to support its position that courts have held that certain actions in violation of statutes or ordinances are per se unreasonable.

Third, this commenter stated that several of the Department's regulations already contain per se rulings on eligibility requirements. It cited the following regulations which set forth per se prohibitions: prior office holding (29 CFR 458.40), membership in a particular branch (29 CFR 458.42), discrimination on the basis of personal characteristics such as race, religion, sex, and national origin which violates Federal law (29 CFR 458.46), and declaration of candidacy months prior to the election (29 CFR 458.51). It also cited several regulations which hold that certain candidacy qualifications are per se reasonable: ineligibility of full-time non-elective employees (29 CFR 458.48), term limits (29 CFR 458.49), and two years prior membership (29 CFR 458.37).

Finally, an article cited in these comments, that was written by the author of these comments, refers to several sources which support the proposition that attendance at union meetings is and always has been low. One of these is a statement by Senator Hubert Humphrey in discussions on bills which lead to the LMRDA. Senator Humphrey's exact statement, made in the context of emphasizing the importance of members' attending union meetings, was that ''[i]f only 10 percent of union members attend meetings—and that is a good average—we can expect abuse of power.'' 105 Cong. Rec. 17,918.

This commenter concluded by arguing that it is important to completely prohibit meeting attendance requirements because any action short of this will encourage unions to retain those requirements and discourage members who have not met the requirements from running for office, even though most such requirements would not survive challenge. This commenter also noted that some judges have upheld an eligibility requirement because it disqualified only 10% or 25% of members, even though its justification was otherwise questionable; continuing the current case-by-case approach might encourage the case law to develop in this direction, a tendency which should be ''resisted.''

III. Discussion

After reviewing the comments on the ANPRM and the pertinent court decisions in view of these comments, the Department has decided to propose a modification of the interpretative regulations at 29 CFR 452.38 in order to cite *Doyle* and refer to its essential ruling. The Department has concluded the *Doyle* is an important decision ''which will guide [the Secretary] in performing his duties,'' 29 CFR 452.1, and it is therefore appropriate to include it in the interpretative regulations, but that there is an insufficient basis at this time to take further action such as holding that meeting attendance requirements are per se unreasonable.

The proposal to cite *Doyle* and refer to its essential ruling is contrary to the recommendations of both the labor organization commenters and those commenters who supported a per se ruling against meeting attendance requirements. Several labor organizations stated in their comments that they disagreed with *Doyle* and recommended that *Doyle* not be followed in other circuits. However, this recommendation is not feasible. Since *Doyle* was decided in the District of Columbia Circuit, where the Secretary is located, and since the Supreme Court's decision in *Dunlop* v. *Bachowski* held that any member may bring litigation against the Secretary for judicial review of his decision not to take enforcement action, a decision by the Secretary not to follow *Doyle* in another circuit would be susceptible to successful legal challenge in the D.C. Circuit.

In addition, several labor organizations recommended that the Department create a ''safe harbor'' whereby a meeting attendance requirement would be presumed to be reasonable if, for example, meetings are not difficult to attend, the union makes significant efforts to encourage attendance, and there are liberal excuse provisions. However, many of these factors were considered and rejected in *Doyle* as well as in *Steelworkers Local 3489,* and the establishment of a presumptively ''safe harbor'' is therefore not possible.

The proposal to cite *Doyle* is also contrary to the recommendations made in the other two comments to prohibit meeting attendance requirements per se. The Department has concluded that such recommended action, at a

minimum, raises serious legal questions. As the labor organizations comments noted, the LMRDA expressly allows unions to impose ''reasonable qualifications uniformly imposed'' on candidacy eligibility, Congress did not discuss any abuses stemming from meeting attendance requirements even though many unions had such requirements at the time the LMRDA was enacted and attendance was undoubtedly very low at that time as well, and no court has actually held meeting attendance requirements to be per se unreasonable, not even the *Doyle* court.

The arguments presented in the comments in support of the legal validity of adopting a per se rule do not overcome these difficulties. In particular, the Department does not feel that the Supreme Court decision involving anti-trust laws, which reflected the ''rule of reason'' approach and held that certain business arrangements were per se illegal because the experience shows that they ''always or almost always'' tend to restrict competition, is persuasive here. Unlike the statutes discussed in that Court decision (§ 1 of the Sherman Act, 15 U.S.C. § 1, and section 4 of the Robinson-Patman Act, 15 U.S.C. § 13(b)), LMRDA section 401(e) expressly allows unions to adopt reasonable rules limiting candidacy. Moreover, as stated above, the fact that attendance at union meetings is low was acknowledged during Congressional deliberations, so that the Department's ''experience'' in implementing the LMRDA is not different from the facts known by Congress when it enacted the LMRDA.

In addition, the four kinds of eligibility requirements referred to one of the commenters which are prohibited per se in the Department's regulations can be readily distinguished from meeting attendance requirements. ''Prior office holding'' by its very terms makes it impossible for every member to be a candidate *and* was expressly found to be unreasonable by the Supreme Court in *Wirtz* v. *Hotel, Motel and Club Employees Union, Local 6*, 391 U.S. 492 (1968). ''Discrimination on the basis of certain personal characteristics'' also by its very terms makes it impossible for every member to be a candidate *and* is illegal under other Federal law. ''Membership in a particular union branch'' also by its very terms makes it impossible for every member to be a candidate. ''Declaration of candidacy'' restricts the right of members to nominate candidates and has been held by the courts to serve no arguable purpose.

The Department recognizes that many of the statements made by the commenters who supported a per se prohibition on meeting attendance requirements may well be valid. For those cases of which the Department has knowledge through its investigation of a complaint, meeting attendance requirements have most often disqualified the overwhelming majority of members and the requirements have most often been found to be unreasonable. The justifications for meeting attendance requirements have most often been seriously questioned by the courts. Meeting attendance requirements are difficult and burdensome to administer equitably and uniformly, especially with regard to excuse provisions, and they lead to uncertainty and costly litigation for all concerned. These are all considerations which labor organizations should be aware of if they choose to have meeting attendance requirements, in addition to the fact that the Department under *Doyle* will take enforcement action whenever a meeting attendance requirement disqualifies a large portion of a union's membership from candidacy.

Nevertheless, the LMRDA recognizes that labor organizations have the right to establish reasonable candidacy qualifications, and the Department has concluded that there is not a sufficient basis at this time for holding this one type of candidacy qualification to be per se unreasonable. It is therefore not appropriate or necessary under the present case law to replace the case-by-case approach, set forth in 29 CFR 452.38 and cited approvingly by the Supreme Court in *Steelworkers Local 3489*, for determining whether a meeting attendance requirement is reasonable.

IV. The Proposed Revision

As stated above, the Department proposes to revise the interpretive regulations to cite *Doyle* and refer to its essential ruling. Under this proposal, the text of § 452.38 would remain, but the text of footnote 25 would be replaced with the following:

[25] If a meeting attendance requirement disqualifies a large portion of members from candidacy, that large antidemocratic effect alone may be sufficient to render the requirement unreasonable. In *Doyle* v. *Brock*, 821 F.2d 778 (D.C. Circuit 1987), the court held that the impact of a meeting attendance requirement which disqualified 97% of the union's membership from candidacy was by itself sufficient to make the requirement unreasonable notwithstanding any of the other factors set forth in 29 CFR 452.38(a).

The current text of footnote 25, which would be eliminated under this proposal, refers to the holding of the Supreme Court in *Wirtz* v. *Hotel, Motel and Club Employees Union, Local 6*, 391 U.S. 492, at 502, as support for the importance of impact in determining whether a meeting attendance requirement is reasonable. However, the *Doyle* decision is a more appropriate citation for this point because in this case, unlike *Local 6*, the meeting attendance requirement was found unreasonable solely on the basis of its impact; in contrast, *Local 6* involved the issue for prior office holding, which is covered in 29 CFR 452.40 and footnote 26, which summarizes *Local 6*. In addition, even if the current text of footnote 25 is replaced, there will continue to be references to *Local 6* in footnote 26 and the text of 452.36(a).

V. Administrative Notices

A. Executive Order 12866

The Department of Labor has determined that this proposed rule is not a significant regulatory action as defined in section 3(f) of Executive Order 12866 in that it will not (1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities, (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

B. Regulatory Flexibility Act

The Agency Head has certified that this proposed rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act. Any regulatory revision will only apply to labor organizations, and the Department has determined that labor organizations regulated pursuant to the statutory authority granted under the LMRDA do not constitute small entities. Therefore, a regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

This proposed rule contains no information collection requirements for

purposes of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects Affected in 29 CFR Part 452

Labor unions.

Text of Proposed Rule

In consideration of the foregoing, the Department of Labor proposes that part 452 of title 29, Code of Federal Regulations, be amended as follows:

PART 452—GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

The authority citation for Part 452 continues to read as follows:

Authority: Secs. 401, 402, 73 Stat. 532, 534 (29 U.S.C. 481, 482); Secretary's Order No. 2–93 (58 FR 42578).

2. Footnote 25 cited at the end of section 452.38(a) is revised to read as follows:

§ 452.38 Meeting attendance requirements.

* * * * *

[25] If a meeting attendance requirement disqualifies a large portion of members from candidacy, that large antidemocratic effect alone may be sufficient to render the requirement unreasonable. In *Doyle* v. *Brock*, 821 F.2d 778 (D.C. Circuit 1987), the court held that the impact of a meeting attendance requirement which disqualified 97% of the union's membership from candidacy was by itself sufficient to make the requirement unreasonable notwithstanding any of the other factors set forth in 29 CFR 452.38(a).

Signed in Washington, DC this 11th day of May 1995.

Charles L. Smith,

Special Assistant to the Deputy Secretary.

[FR Doc. 95–12137 Filed 5–16–95; 8:45 am]

BILLING CODE 4510–86–M

LIBRARY OF CONGRESS

36 CFR Part 701

[Docket No. LOC 95–1]

Reading Rooms and Service to the Collections

AGENCY: Library of Congress.

ACTION: Proposed rules.

SUMMARY: The Library of Congress is proposing to amend its regulations on access to the Library's collections by members of the public and policies and procedures for service to the collections. This amendment reflects the new capabilities of the Library's reader registration system, specifically requiring all members of the public wishing to use the Library's collections to obtain a Library-issued User Card. The User card will contain the name, current address, and a digitized photograph of the user. This amendment also describes new policies and procedures for providing and maintaining security for Library materials from accidental or deliberate damage or loss caused by users of these collections and the penalties for misuse. These measures include establishing conditions and procedures for the use of material that requires special handling, instructing and monitoring readers, assuring that the conditions and housing of all materials are adequate to minimize risk, and establishing control points at entrances to reading rooms. These new procedures will enhance the security of the Library's collections.

DATES: Comments should be received on or before June 16, 1995.

ADDRESSES: Ten copies of written comments should be addressed, if sent by mail to: Library of Congress, Mail Code 1050, Washington, DC 20540. If delivered by hand, copies should be brought to: Office of the General Counsel, James Madison Memorial Building, Room LM–601, First and Independence Avenue, SE., Washington, DC 20540–1050, (202) 707–6316.

FOR FURTHER INFORMATION CONTACT: Johnnie M. Barksdale, Regulations Officer, Office of the General Counsel, Library of Congress, Washington, DC 20540–1050. Telephone No. (202) 707–1593.

SUPPLEMENTARY INFORMATION: Under the authority of 2 U.S.C. 136, the Librarian of Congress is authorized to make rules and regulations for the government of the Library and for the protection of its property. In March of 1992, James H. Billington, the Librarian of Congress, announced that new security measures had to be taken to protect the Library's collections due to an increase in thefts and mutilation of materials. ''The Library of Congress has long prided itself on being open to all readers,'' Dr. Billington said. ''However, as the nation's Library and the world's largest repository of mankind's intellectual accomplishments, we have an obligation to protect our collections for future generations of Americans. Many of our books, maps, prints, and manuscripts are irreplaceable. We cannot risk their loss or desecration. We are responsible for the nation's patrimony.'' Dr. Billington's announcement followed lengthy planning by the Library to tighten security. It also followed the third arrest for theft from the Library since April 1991. 36 CFR 701.5 is amended to announce the Library's new capability to capture and store the name, address, and a digitized photograph of registered users of its collections in an automated file for collections security purposes. The existing text in 36 CFR 701.5 will become paragraph (b) and a new paragraph (a) is added. 36 CFR 701.6 is amended to set forth the general policy of the Library on the use of materials in its custody. 18 U.S.C. 64l, 136l, and 2071; and 22 D.C. Code 3106 set forth criminal provisions for mutilation or theft of Government property. The existing text in 36 CFR 701.6, Chapter VII will become paragraph (a) and new paragraphs (b), (c), and (d) are added. The last sentence in paragraph (a) should be removed.

List of Subjects in 36 CFR Part 701

Libraries, Seals and insignias.

Proposed Regulations.

In consideration of the foregoing the Library of Congress proposes to amend 36 CFR part 701 as follows:

PART 701—PROCEDURES AND SERVICES

1. The authority citation for part 701 will continue to read as follows:

Authority: 2 U.S.C. 136.

2. Section 701.5 is amended by redesignating the existing text as paragraph (b) and adding a new paragraph (a) to read as follows:

§ 701.5 The Library's reading rooms and public use thereof.

(a) All members of the public wishing to use materials from the Library's collections first must obtain a User Card. The Library will issue User Cards, in accordance with established access regulations, to those persons who present a valid photo identification card containing their name and current address. The Library-issued User Card will include the name, digitized photograph, and signature of the user. It must be presented when requesting materials housed in the book stacks or other non-public areas or upon request of a Library staff member. In accordance with Library regulations which prescribe the conditions of reader registration and use of Library materials, presentation of a User Card may be required for entry into certain reading rooms. The Library will maintain the information found on the User Cards, including the digitized photograph and other pertinent information, in an automated file for collections security purposes. Access to the automated file shall be limited to only those Library